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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/596,850    06/19/00    MARUE

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PM82/0213

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EXAMINER

DRUMMOND & DUCKWORTH  
SUITE 500  
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NEWPORT BEACH CA 92660

RAMIREZ, R

ART UNIT

PAPER NUMBER

3632

DATE MAILED:

02/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

**09/596,850**

Applicant(s)

**Marue et al.**

Examiner

**RAMON O. RAMIREZ**

Group Art Unit

**3632**☐ Responsive to communication(s) filed on \_\_\_\_\_.☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 1-17 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

***Detailed Action***

The present application has been withdrawn from issue as indicated on communication mailed on Dec 6, 2000. The instant application is a Continuation of Serial No. 09/283,843, which is a Reissue Application of Pat. No. 5,615,855 issued on Apr 1, 1997. It is not clear if the instant application is filed as a Reissue Application, or as a true continuation (non-reissue).

***Reissue Application***

If the instant application is filed as a Reissue, then it needs reissue oath/declaration defining the error, publication in O.G., consent, etc.

***Non-Reissue Application***

If the instant application is filed as a non-reissue, then the following rejection applies:

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marue et al. (Pat. No. 5,615,855).

The instant application is entitled only to the filing date (Mar 31, 1999) of the reissue application Serial No. 09/283,843. In re Bauman (214 USPQ 585).

### *Conclusion*

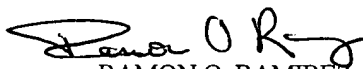
Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramírez** at telephone number (703) 308-0748. The examiner can be normally reached on Monday-Thursday from and alternate Fridays.

The fax numbers for this Group are (703) 305-3597 (for formal papers), and (703) 308-3519 (for informal papers).

Any inquiry of general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

A shortened statutory period for reply to this action is set to expire **THREE MONTHS** from the mailing date of this action.

R.O.RAMIREZ  
January 9, 2001

  
RAMON O. RAMIREZ  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600  
ART UNIT 3632